Supreme Court, U.S.
FILED
MAY 3 1971
E. ROBERT SEAVER, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October 1970 Term

~~1 0 7 4 1~~ 70-145

THOMAS L. WOOLDRIDGE - - - Petitioner

versus

COMMONWEALTH OF KENTUCKY - Respondent

APPENDIX B TO PETITION FOR A WRIT OF CERTIORARI TO THE KENTUCKY COURT OF APPEALS

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EXCERPTS FROM KENTUCKY REVISED STATUTES

433.240 [1256] Taking or damaging property unlawfully but without felonious intent.

Any person who, unlawfully but without felonious intent, takes, carries away, defaces or damages any property or thing of value not his own shall be fined not less than ten dollars nor more than two thousand dollars.

* * * * * * *

433.120 [1159] Robbery; burglary; possession of burglarious tools.

(1) Any person guilty of robbery or burglary shall be confined in the penitentiary for not less than two nor more than ten years.

(2) Any person who has possession of any tools, implements or other things used by burglars for housebreaking, forcing doors, windows, locks or buildings or other places where goods, wares, merchandise or money is kept, with the intention of using them burglariously shall be confined in the penitentiary for not less than two nor more than ten years.

* * * * * * *

29.280 [2247] Supplying deficiency in petit jury; bystanders.

(1) At the time of selecting the petit juries from the list of names drawn from the drum for that purpose, if there fail to attend or be excused by the court for good cause, such a number as will not leave the number of jurors required, the judge shall draw from the drum, in open court, double the number of names to supply the places of those excused and those failing to attend, and the jurors so drawn shall be summoned by the sheriff. If any of those so drawn and summoned are likewise excused or fail to attend, the judge shall again draw from the drum, in open court, double the number of names to supply their places, and so on until the requisite number is obtained. If at any time during the term it becomes necessary to supply one or

more jurors, double the number of names necessary for supplying their places shall be drawn from the drum and summoned by the sheriff. If the number of vacancies does not exceed three, the judge may direct the sheriff to summon bystanders to supply the vacancies, instead of drawing additional names from the drum.

(2) If in any civil action called for trial the panel is exhausted by challenge, the judge may supply such jurors by drawing from the drum, or may direct the sheriff to summon for the trial of that action not exceeding three bystanders to fill such vacancies. (1962 c 234, § 61. Eff. 1-1-63.)

* * * * * * *

421.250 Procedure for procuring attendance as witnesses in this state of persons in other states.

(1) If a person in any state, which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions, or grand jury investigations commenced or about to commence, in this state, is a material witness in a prosecution pending in a court of record in this state, or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this state to assure his at- (line left out of copy at this point)
sented to a judge of a court of record in the county in which the witness is found.

(1952 c 132, §3. Eff. 6-19-52.)

(2) If the witness is summoned to attend and testify in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution is pending, and five dollars for each day that he is required to travel and attend

as a witness, same to be paid in manner that other witnesses are paid by the Commonwealth of Kentucky. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate, unless otherwise ordered by the court. If such witness, after coming into this state, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state. (1952 c 132, § 3. Eff. 6-19-52.)

* * * * * * *

The Indictment No. 6363 is in words and figures as follows:

LINCOLN CIRCUIT COURT

No. 6363

May Term, 1968

Commonwealth of Kentucky - - - - Plaintiff

v.

Ira J. Haynes and
Thomas Lee Wooldridge - - - - - Defendants

INDICTMENT

KRS 433.180
433.190
433.240
433.120(2)
437.110(2)